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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/738,439	12/15/2000	Kevin B. Coleman	MPZ-001.02	9617

25181 7590 05/26/2004

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EXAMINER

AL HASHEMI, SANA A

ART UNIT PAPER NUMBER

2171

DATE MAILED: 05/26/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/738,439

Applicant(s)

COLEMAN, KEVIN B.

Examiner

Sana Al-Hashemi

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 April 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☐ Claim(s) _____ is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Status: 1- 18 are rejected.

Applicant's arguments with respect to claims 1-37 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-3 and 6-18 rejected under 35 U.S.C. 103(a) as being unpatentable over Schmitt (US Patent No. 5,983,220) in view of Plutowski's admitted prior art (US Patent No. 6,473,851).

1. Regarding Claim 1, Schmitt discloses a method of associating different criteria on a page to at least one product, comprising:

receiving option selection based on the different criteria (see column 6, lines 50-58, Schmitt);

assigning membership grades to the option selections (see column 8, lines 15-21, Schmitt);

relating the option selections to the products (see column 8, lines 32-39, Schmitt);

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Schmitt does not explicitly disclose the step of forming a master membership grade for the products based on the option selection membership grades. However, Plutowski's admitted prior art teaches the step of forming a master membership grade (see Fig. 1C, as well as, column 23, lines 15-27, Plutowski). It would have been obvious to one of ordinary skill in the art at the time of the invention to use the fuzzy logic processor of Schmitt, as suggested by Plutowski's admitted prior art to score and rank the user selection by forming master membership grades. A skilled artisan would have been motivated to do so in order to learn the on-site browsing behavior based on a user profile and past purchasing history, which would have resulted in improved user response, and provided the closest and most accurate results. The combination of Schmitt and Plutowski's admitted prior art would have resulted in a combined system with enhanced performance and substantial expectation of success.

2. Regarding Claim 2, Schmitt in view Plutowski admitted prior art discloses a method wherein receiving options selections based on different criteria further comprises receiving an initial option selection and a submitted option selection (see column 9, lines 53-61, Schmitt).
3. Regarding Claim 3, the combination of Schmitt/Plutowski admitted prior art discloses a method wherein receiving option selections based on different criteria further comprises receiving at least one revised option selection (see column 9, lines 63-65, Schmitt).
4. Regarding Claim 5, the combination of Schmitt/Plutowski admitted prior art /Junkin discloses a method providing the different criteria using at least one check-box selection scheme (see Fig. 17, Schmitt).

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5. Regarding Claim 6, the combination of Schmitt/Plutowski admitted prior art discloses a method further comprising updating the page in response to receiving the user's option selections (see column 15, lines 15-18, Schmitt).

6. Regarding Claim 7, the combination of Schmitt/Plutowski admitted prior art discloses a method, wherein assigning membership grades to the option selections further includes, identifying a submitted option selection (see column 15, lines 7-9, Plutowski); and

assigning a greatest membership grade to the submitted option selection (see column 15, lines 9-11).

7. Regarding Claim 8, the combination of Schmitt/Plutowski admitted prior art discloses a method wherein assigning membership grades to the option selections further includes;

identifying an initial option selection(see column 16, lines 7- 9, Schmitt); and

assigning a second greatest membership grade to the initial option selection (see column16, lines 9-13, Schmitt).

8. Regarding Claim 9, the combination of Schmitt/Plutowski admitted prior art t discloses a method wherein assigning membership grades to the option selections further includes:

identifying at least one revised option selection occurring between an initial option selection and a submitted option selection (see column 16, lines 16-23, Schmitt¹) and,

assigning respectively decreasingly valued membership grades to revised option selections based on order of occurrence (see Fig. 18, Schmitt).

9. Regarding Claims 10, 11, and 12, the combination of Schmitt/Plutowski admitted prior art discloses a method wherein assigning a greatest membership grade to the submitted option

¹ The method of adding items corresponds to revised option.

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selection further includes assigning the submitted option selection a membership grade of 1.0, assigning a second greatest membership grade to the initial option selection further includes assigning the initial option selection a membership grade of 0.9. and assigning respectively decreasingly valued membership grades to revised option selections based on order of occurrence, further includes, assigning membership grades to revised option selections based on a decrementing schedule of membership grades, the schedule have a greatest value of 0.8 and decrementing in one-tenth intervals, and assigning a membership grade of 0.0 to all membership grade values less than 0.0. (see Fig. 1C, Plutowski).

10. Regarding Claims 13, and 14, the combination of Schmitt/Plutowski admitted prior art discloses a method further comprising incorporating membership grades for a redundant selection of an option selection into a single membership grade for the option selection, and the redundant membership grades for a redundant selection of an option selection, further comprises, recognizing only the highest membership grade for the option selection (see column 12, lines 17-33, Plutowski).

11. Regarding Claim 15, Schmitt Plutowski admitted prior art discloses a method further comprising providing the different criteria using at least one purchase decision question (see column 9, lines 51-61, Plutowski).

12. Regarding Claim 16, the combination of Schmitt/Plutowski admitted prior art discloses a method wherein forming a master membership grade for the at least one products based on the option selection membership grades, further includes, scaling the option selection membership grades, and, averaging the scaled membership grades (see column 15, lines 36-42, Plutowski).

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13. Regarding Claim 17, Schmitt Plutowski admitted prior art discloses a method wherein scaling the option selection membership grades, further includes:

identifying membership grades for an initial option selection (see column 15, lines 50-53, Plutowski);

identifying membership grades for at least one revised option selection (see column 15, lines 54-58, Plutowski), and,

dividing the membership grades for the initial option selection and the at least one revised option selections by the number of criteria (see column 15, lines 59-64, Schmitt).

14. Regarding Claim 18, the combination of Schmitt/Plutowski admitted prior art discloses a method further comprising displaying the at least one products on the page based on the least one master membership grade (see column 14, lines 33-39, Plutowski).

Claims 4, and 5, are rejected under 35 U.S.C. 103(a) as being unpatentable over Schmitt in view of Plutowski's admitted prior art and further in view of Junkin (US Patent No. 6,493,717)

15. Regarding Claim 4, the combination of Schmitt/Plutowski admitted prior art discloses all the limitation subject matter except the use method of using the radio button selection scheme. However Junkin discloses a method providing different criteria using at least one radio button selection scheme (see column 18, lines 26-33, Junkin). It would have been obvious to one of ordinary skill in the art at the time of the invention to use the radio button selection as a method of selecting user options as alternative to the drop down menu with the motivation of providing users with all selection on one screen to chose from instead of drop downs which requires few

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more steps to reach the selection, since the radio button friendlier than the drop down and some developers prefer it over drop down selection.

Other Prior Art Made of Record

1. Schmitt (US Patent No. 6,473,851) discloses a system for combining plurality of input control policies to provide a compositional output control policy.
2. Smith et al (US Patent No. 6,311,216) disclose method, computer program product, and system for client-side deterministic routing and URL lookup into a distributed cache of URLs
3. Takahashi (US Patent No. 5,005,1333) discloses system and method for automatically controlling a vehicle speed to a desired cruising speed.
4. Walker et al. (US Patent No. 6,108,639) discloses conditional purchase offer (CPO) management system for collectibles.

Conclusion

The prior art made of record and not relied upon is considered pertinent to Applicant's disclosure.

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Points of Contact

Any inquiry concerning this communication or earlier communications from the examiner should be directed to: Sana Al-Hashemi whose telephone number is (703) 305-4881. The examiner can normally be reached on Monday - Friday from 8:00 AM to 4:30 PM.. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Safet Metjahic, can be reached on (703) 308-1436. Any response to this office action should be mailed to: The Commissioner of Patents and Trademarks, Washington, D.C. 20231. Or telefax at phone number (703) 872-9306. For formal or draft communications, please label "PROPOSED" or "DRAFT". Hand-delivered response should be brought to Crystal Park II, 2121 Crystal Drive, 6th Floor Receptionist, Arlington, Virginia. 22202.

Sana Al-Hashemi
Patent Examiner
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May 24, 2004


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